

CITY OF MOUNTAIN VIEW

ENVIRONMENTAL PLANNING COMMISSION

MINUTES

DECEMBER 1, 2004

7:00 P.M.

COUNCIL CHAMBERS

CITY HALL

500 CASTRO STREET

1. CALL TO ORDER

The meeting was called to order at 7:02 p.m. by Chair LESTI.

2. ROLL CALL

Commissioners Present: Commissioners BROWN, GREENE, MACIAS, WEAVER, Vice Chair SIEGEL and Chairperson LESTI.

Commissioners Absent: Commissioner JENSEN.

Staff Present: Elaine Costello, Community Development Director; Aarti Shrivastava, Principal Planner; Linnie Melena, Senior Planner; Whitney McNair, Zoning Administrator/Planning Manager; Shelley Emerson, Senior Assistant City Attorney; and Michael Martello, City Attorney.

Others Present: There were approximately 60 members of the public in the audience.

3. MINUTES APPROVAL

3.1 Meeting of September 22, 2004

Motion – M/S BROWN/GREENE – Carried 4-0; LESTI, SIEGEL abstained, JENSEN absent – Approve minutes of September 22, 2004 meeting of the Environmental Planning Commission.

3.2 Meeting of October 20, 2004

Motion – M/S BROWN/GREENE – Carried 4-0; MACIAS, LESTI abstained, JENSEN absent – Approve minutes of October 20, 2004 meeting of the Environmental Planning Commission.

4. **ORAL COMMUNICATIONS FROM THE PUBLIC** – None.
5. **PUBLIC HEARINGS** – None.
6. **NEW BUSINESS**

6.1 Approval of 2005 Meeting Schedule

Motion – M/S GREENE/SIEGEL – Carried 6-0; JENSEN absent – Approve 2005 Meeting Schedule.

6.2 Commission Deliberation and Recommendations on Development Alternatives to be Reviewed in the Mayfield Environmental Impact Report

Senior Planner Linnie Melena gave an overview of development alternatives to be reviewed in the Mayfield Environmental Impact Report (EIR). She clarified that the Commission is not deciding whether to recommend one particular land use but rather what land uses and alternatives to study in the EIR.

She said staff will automatically review the "no project" alternative and study Toll Brothers' proposal. She reviewed the housing alternatives to the proposed project developed by staff and options for street alignments and parks. She added that the Commission will also consider whether to change the review process which was approved by the City Council and whether a fiscal impact study should be prepared for the alternatives.

Staff members responded to questions from the November 17, 2004 Environmental Planning Commission (EPC) meeting on the Mayfield Mall project.

In answer to a question asking the difference between the "sequential" and the "concurrent" application review process, Principal Planner Aarti Shrivastava described the consequences of making the review process a "sequential" process rather than a "concurrent" process. She said that for the sequential process, the time required would be six months or more, the opportunities for public input would be the same and the process would address the rezoning first before the development project is reviewed. She said the sequential process has been

expressed as the preferred process by a number of the neighbors and added that the cost of staff time and consultant costs would be borne by the applicant.

In answer to questions regarding the EIR, the Principal Planner said the City would follow the standard process of conducting the EIR as a neutral party. She explained that tonight the EPC will consider the question of whether to go with the sequential or concurrent process and whether the alternatives will be studied equally.

She indicated that the EIR should describe a range of reasonable alternatives which would feasibly attain basic objectives of the project but would avoid substantially lessening any of the significant effects of the project. She said in the case of the Mayfield Mall EIR, the City has not yet selected the preferred project. The alternatives include keeping the zoning the way it is, developing the proposed project and two alternatives recommended by the Commission. She added that the Council cannot approve any zoning designation that allows a higher intensity than that which has been studied in the EIR, and the preferred alternative would be selected after the EIR has been prepared.

She described various topics related to the EIR that would be considered, noting tentative dates for completion and described the process for public review of the draft EIR and certification hearings. She noted that issues relating to traffic, including parking and safety, will be studied in the EIR; and impacts and the appropriate mitigation will be determined at that time. She explained that the City of Mountain View does not have jurisdiction over the portion of the site that is in Palo Alto. She added that recycling of building and demolition materials, using energy-efficient techniques in the buildings and school impacts will also be addressed in the EIR.

Commissioner MACIAS asked for clarification of the phrase "not exceeding the most intense choice" in regard to sequential processing and equal review in the EIR. She also questioned whether projects in the area that are being reviewed but have not been approved will be added in the traffic analysis. The Principal Planner explained that the Council cannot certify the EIR for a zoning intensity that is greater than any of the alternatives that have been selected for analysis and that intensity refers to density or any other project component that would increase impacts. She added that the traffic portion of the EIR will include projects that are currently being reviewed as well as those that have been approved but not built.

Senior Planner Linnie Melena responded to a question regarding whether the Mayfield site would include The Crossings residents in the formula used to calculate park space required. She explained that the City has a park dedication

ordinance that specifies the only assessment that can be made against the developer of this site is the park needs that are created by the new housing.

She addressed questions regarding pedestrians and bicycles and explained that all the alternatives regarding crossing Central Expressway would be looked at as a part of the EIR, including improvements that may be needed. She also discussed the impact of pedestrians on traffic at Central Expressway.

The Senior Planner explained that a policy framework is in place for encouraging more housing, and ABAG makes the projections for future housing and jobs and allocated housing units based on a fair share formula.

She responded to questions regarding transit use and alternative uses, including the possibility of mixed use. She said that the no-project alternative allows for commercial uses on the site and explained that for the housing alternatives, the Commission could look at a range of housing units including three-story condominium buildings. She added that the City would have to purchase the site if it were going to be used for a park.

Zoning Administrator/Planning Manager Whitney McNair discussed questions about affordable housing and availability of the below-market-rate (BMR) units to low-income residents. She defined a rowhouse project versus a townhouse project and discussed parking requirements for townhouses, condominiums and Caltrain users.

In regard to community input questions, she said all of the meetings throughout the entire process will be public and both the Commission and the Council will consider all of the testimony received. She said that on-site parking has not yet been determined but will be studied further in the Precise Plan, the EIR and the development project. She clarified that selecting an alternative for study in the EIR does not give it any preferential weight over the other alternatives.

In regard to questions about procedures, she said that all the original green slips have been retained as public record, and all the questions have been kept in their original state and made public in an electronic format. She added that payment for the mediator was at Toll Brothers' expense. She said there were 85 participants in the survey from the September 20 meeting and there are approximately 1,000 homes in the Monta Loma area. She noted that there are no documents regarding this application between Hewlett-Packard and the City of Mountain View.

City Attorney Michael Martello described how the agreement between Hewlett-Packard and Toll Brothers affected the process and explained that their contract language has no impact on the final decision of the City.

Community Development Director Elaine Costello addressed questions regarding the Environmental Planning Commission and discussed the "sequential" process. She indicated that the Commission would also be considering another alteration to the existing work program to add a fiscal impact analysis to be done at the same time as the EIR.

The City Attorney concurred with Commissioner SIEGEL that the City has no legal obligation to Toll Brothers or Hewlett-Packard, other than to address their particular proposal on the table. Commissioner SIEGEL asked if there was any limit by law or threshold to which the Council cannot waive any unmitigated impacts once the EIR is done, and the City Attorney responded that there is not.

Commissioner SIEGEL asked if the impact of all of the concurrent projects in the City could be looked at for the purposes of planning. Using traffic as an example, the Senior Planner said all the projects that are generating traffic in the vicinity that could be impacting the same intersections that the project would impact are looked at, and a sort of boundary is drawn around the area that is going to be included in the background or cumulative growth.

Chair LESTI asked if the cumulative effects of projects in the EIR have been taken into account, and the City Attorney responded that the CEQA process contains a requirement to look at the cumulative impacts of a project.

Commissioner MACIAS asked if a reference exists for a definition of what is included in the ABAG formula, and a staff member responded that the formula is on the ABAG web site. Commissioner MACIAS asked for a clarification of the amount to qualify for affordable housing at 80 percent to 100 percent of median income, and staff said the median income for affordable housing for 100 percent is \$105,500 for a family of four.

Chair LESTI opened the hearing for public comment.

Penny Ellson, Co-Chair of the Civic Affairs Committee for Green Meadow Community Association, and a Palo Alto resident, made a statement approved by her association's elected board that the neighborhood association has not taken a position for or against the proposed conceptual project plans. She expressed concerns about the proposed density of the project concerning aggregate impacts on schools, transportation systems, libraries and other community infrastructure.

Gregory Frank, Mountain View, spoke on behalf of the Monta Loma Preservation Group, making the following recommendations: (1) opposition to high-density housing; (2) sequential process rather than concurrent; (3) preparation of a fiscal impact study; (4) no zoning change without an evidentiary hearing with questions to Toll Brothers, Hewlett-Packard and the City staff on issues such as the arborist's report, the impact of the existing agreements, why the staff allowed written threats of litigation from Toll Brothers to go unchallenged and others; (5) traffic issue concerns; (6) against a destination civic center; and (7) supportive of park space.

Nola Mae McBain, Mountain View resident and President of the Monta Loma Neighborhood Association, expressed concern about polling and the inability of residents to participate in the previous meeting because they felt intimidated. She said that a neighborhood survey is being conducted by her group and the results were expected by the December 15 meeting. She said the Monta Loma neighborhood would like to better understand how the General Plan requirements influence the EIR and to make sure that the proper studies get done by working with staff on the EIR. She also inquired about the impacts on the site from traffic studies and the Gateway Plan requirements.

Roy Hayter, Mountain View, spoke on behalf of Advocates for Affordable Housing about the importance of managing affordable housing by distributing it throughout the entire community. He recommended that the BMR Ordinance specify that a number of units be planned for this site rather than discretionary in-lieu fees.

Beth Ericksen represented a group of Mountain View citizens who feel that the concerns of Mountain View residents should be put first in any decisions made by the EPC. She suggested taking a closer look at ABAG formulas and spoke of the density of the area. She proposed that before decisions are made about what goes in the EIR, the following questions should be answered in regard to residents of Mountain View: (1) where do employed residents work?; (2) is there a density diagram that shows exactly where the jobs are?; (3) is there housing adjacent to where these jobs are?; (4) how many people work in the City and where do they live?; (5) if 631 housing units are put in at Hewlett-Packard, where will these people work, will they drive to jobs in the City and what jobs can they take the train to?

Philip C. Cosby, Mountain View, and member of Peninsula Interfaith Action of Saint Athanasius Church, spoke about affordable housing and recommended that the City consider the BMR requirement on the Hewlett-Packard site and ask the

developer to set aside 10 percent of the land for development by a nonprofit housing developer.

Irvin Dawid, Palo Alto, spoke on behalf of the Sierra Club about reuse of the Mayfield Mall site with housing and a mix of uses on the site and indicated that higher-density housing increased ridership at transit stations.

Andy Rose, Monta Loma resident, Mountain View, expressed concern about the proposed density as it relates to the existing Monta Loma neighborhood and the proximity to the train station.

Greg Hecht, Mountain View, said the Mayfield Mall site serves a valuable resource for affordable housing considering the cumulative effect to the environment and the neighborhoods.

Wouter Suverkropp, Mountain View, said the buildings on the Palo Alto side of the site impact Mountain View residents by taking away from the view and causing a potential noise impact. He also asked for an up-to-date ABAG report, a more reasonable and higher mitigation fee that may result in an incentive for the developer to provide affordable housing, a sequential review for clarity, a full fiscal report and a full arborist report as developed by an independent arborist without input from the developer.

Joan MacDonald, Monta Loma resident, spoke in favor of housing on the Hewlett-Packard site and requested maximizing the unlevelled topography to increase the density of the housing without violating privacy and sight lines. She proposed revision of the BMR Ordinance for affordable, multi-unit buildings.

Jeremy Siegel, Monta Loma resident, emphasized the importance for the City Council and the Planning Commission to take the initiative of deciding the use of the property.

Sally Probst, Palo Alto, spoke of the need for moderate-income housing in the area. She added that housing and transportation are inextricably linked with the economic vitality of the region and supported affordable housing instead of an in-lieu fee and Alternative No. 3 for the EIR.

Shiloh Ballard, San Jose, on behalf of the Silicon Valley Manufacturing Group, recommended inclusion of the most dense alternative for study in the EIR for the following reasons: (1) condominiums and townhomes are the most appropriate type of housing needs for this site; (2) the parcel is unique and 27 acres allow

flexibility in the design and density in order to respect the surrounding neighborhood; and (3) the parcel's proximity to transit.

Sheri Morrison, Monta Loma, asked for a point of clarification on the price range from \$400,000 to \$700,000 for single-family homes, stating that it would be unaffordable.

Mary Arnoni, Diablo Avenue, expressed concern regarding traffic impacts generated from San Antonio Road on her neighborhood and Monta Loma.

Laura Kostinsky, Monta Loma, said that Alternative No. 3 exceeds the impact compared to the Toll Brothers' application for housing in the EIR; that it would not meet CEQA requirements according to city planners and that whatever is studied in the EIR report sets the limit of what can be done on that site.

Gerald Kipp, Mountain View, spoke against rezoning and proposed other uses, such as a park, and expressed concern about the traffic impacts.

The Commission took a break at this time and reconvened.

Rick Nelson, Vice President of Toll Brothers, confirmed the range of pricing on some units from the high \$400,000s to the high \$700,000s, depending on the type of housing.

Chair LESTI explained that the Commission would now consider which alternatives to be studied in the EIR and whether to make the review process "sequential" rather than "concurrent." Senior Planner Linnie Melena explained that the City Council and the Commission have both approved the concurrent process.

Commissioner GREENE stated the concurrent process would be most beneficial in evaluating the proposals before the Commission because it would be more efficient with the least amount of expense, time, energy and effort for everybody involved. The sequential process, as outlined, gets the same outcome but takes longer.

Commissioner SIEGEL concurred with Commissioner GREENE on the review process and added that he felt Planning Commissioners should be long-term planners rather than reactionary looking at specific projects. He said if Council decides to go ahead with the specific proposal on the table, the Commission should proceed with a concurrent rather than sequential process. However, if the Commission decides as a group to take a broader, stand-back look at properties,

then the sequential process would be the best choice and it would proceed with a zoning change first.

Commissioner MACIAS said it is logical to approach this with a sequential process because of the broad scope of the project and added that the sequential process would allow a long-term view beyond City borders.

Commissioner WEAVER concurred with the sequential approach, adding that the project was brought forward by a developer, and it should be looked at singularly. He added that because the project has grown and interest has been shown by members of the community to mitigate the concerns that they have, the sequential process should be followed to give the Commission more time and the opportunity to take the stand-back position.

Commissioner BROWN spoke in support of the sequential process and stated that because of the size of the property, whatever is done with it will have an enormous impact on the entire City and surrounding cities. She added that the Commission has not had a chance to look at all of the alternative uses and what ultimately will be the best thing for everybody in Mountain View.

Commissioner GREENE said if the goal is to step back and look broadly at potential land use of the site and to have the design review after the zoning, the sequential process would require modification so that there could be a broader discussion of the rezoning independent of Toll Brothers and Hewlett-Packard.

Chair LESTI asked staff if the Commission recommended not just sequential versus concurrent but looked at a different process and how it would fit with the proposal on the table. Community Development Director Elaine Costello responded that it is not an unusual process for a City before it makes a decision on a General Plan and rezoning of a site to think through other issues before finalizing something that is such a long-term and permanent position.

Commissioner MACIAS said, given that, an option is available to look at the process sequentially with a view to reviewing alternatives and the impact on the City.

Commissioner SIEGEL responded to Commissioner GREENE's comment, stating that if other alternatives are looked at for use of the site, the community may be better satisfied. He added that whether the sequential or concurrent process is selected, different densities would be reviewed, which is one of the things a rezoning would accomplish. He said other uses are available as well, and he supported the sequential process.

The Community Development Director confirmed Commissioner WEAVER's inquiry that Toll Brothers will pay for the EIR, including the additional cost of more alternatives. The Commissioner said if the City is interested in housing or some other use other than what the Toll Brothers proposed, the City should reconsider paying for that part of the EIR.

Commissioner BROWN suggested that if the Commission is looking at a larger range of alternatives, community input would be beneficial; noting that the development at the Hewlett-Packard site would affect everybody.

Motion – M/S SIEGEL/BROWN – Carried 5-1; GREENE no, JENSEN absent – Recommend making the review process a "sequential" process rather than a "concurrent" process.

Commissioners asked questions of staff and suggested alternatives for inclusion in the EIR such as a discussion around housing alternatives and nonhousing alternatives; adding some commercial use such as day-care centers, small markets and a library; and the consideration of mixed use.

Staff responded to a question from Commissioner WEAVER regarding the position of the City of Palo Alto on cooperation with Mountain View's decision for uses for their property and explained that regular communications are ongoing with Palo Alto in regard to the project and each city will use the EIR as an informational document in reviewing and making decisions on the property in their jurisdictions.

Motion – M/S GREENE/BROWN – Carried 4-2; SIEGEL, MACIAS no, JENSEN absent – Recommend that Alternative 2 (Single-Family Transitioning to Multiple Family – 365 to 425 housing units in Mountain View) and Alternative 2 Retail as indicated in the staff report be studied in the Environmental Impact Report for the Mayfield Mall project.

Commissioner GREENE made a motion to include Alternative 3 in the EIR; the motion died for lack of a second.

Motion – M/S LESTI/SIEGEL – Carried 4-2; GREENE, MACIAS no, JENSEN absent – Recommend that Alternative 1 (Single-Family Focus – 140 to 190 housing units in Mountain View) as indicated in the staff report be studied in the Environmental Impact Report for the Mayfield Mall project.

Motion – M/S GREENE/SIEGEL – Carried 5-1; WEAVER no, JENSEN absent – Recommend that an all-open-space alternative for the site be studied in the Environmental Impact Report for the Mayfield Mall project.

Motion – M/S GREENE/MACIAS – Carried 6-0; JENSEN absent – Recommend that a comprehensive mixed-use alternative, including commercial (150,000 square feet to 200,000 square feet) with a significant neighborhood-serving component and residential uses with densities similar to Alternative 2 be studied in the Environmental Impact Report for the Mayfield Mall project.

Commissioner MACIAS clarified that mixed use may include a variety of uses such as retail, residential and commercial.

Commissioner WEAVER pointed out that he did not support 100 percent open space in a previous motion because he felt that open space would be a magnet for outside visitors. He added that any uses under mixed use should be neighborhood-supportive, and office space is not currently working.

The motion was amended to include that the retail and retail uses would include a significant neighborhood-serving component; the motion was carried unanimously.

The Commissioners discussed under what residential density mixed-use alternatives would exist.

Commissioner BROWN clarified in the "no project" option that under the current zoning or Precise Plan full build-out is 650,000 square feet, and the EIR would presume a full build-out of the Hewlett-Packard site.

Motion – M/S SIEGEL/WEAVER – FAILED 2-3; BROWN, LESTI, MACIAS no; JENSEN absent – Adjust Alternative 2 to bring the overall density down and to make 365 the maximum number of housing units in the City of Mountain View.

Commissioners discussed the level of detail of alternatives in the EIR.

Motion – M/S BROWN/GREENE – Carried 6-0; JENSEN absent – Recommend that the EIR analyze the developer's proposed project in detail and with a focused analysis of issues like traffic impacts for the other alternatives.

Commissioner GREENE moved to make a recommendation to City Council that acknowledges the fact that we have expanded the scope of this exercise to be a broader consideration of alternatives that is beyond what would be typically

required in the EIR for this type of project, and in recognition of that we do not believe it is appropriate to expect Toll Brothers to pick up the expense associated with those additional options; seconded by Commissioner Weaver.

Commissioner GREENE then clarified the motion as follows:

Motion – M/S GREENE/WEAVER – Carried 6-0; JENSEN absent – Recommend that the City pay for the portion of the EIR related to the open space and comprehensive mixed-use alternatives.

Motion – M/S SIEGEL/WEAVER – Carried 6-0; JENSEN absent – Recommend that a fiscal impact study be prepared for the alternatives.

Motion – M/S BROWN/SIEGEL – Carried 5-1; WEAVER no, JENSEN absent – Indicate no preference for park and streets alignments and recommend that Mountain View City staff work closely with the City of Palo Alto regarding these issues.

7. COMMISSION/STAFF ANNOUNCEMENTS, QUESTIONS AND COMMITTEE REPORTS

7.1 Possible Upcoming Agenda Items

- December 15, 2004 – Study session on draft Rowhouse Guidelines.
- January 5, 2005 – Possible study session on consideration of a General Plan amendment and rezoning to change the land use from industrial to residential at 300 Ferguson Drive (Whisman Station Precise Plan area).
- January 19, 2005 – Possible public hearing on draft Rowhouse Guidelines.

7.2 Announcements – None.

7.3 Requests from Commissioners – None.

8. ADJOURNMENT

The meeting was adjourned at 10:40 p.m. by consensus of the Commission to the Regular Meeting on December 15, 2004.

Respectfully submitted,

Aarti Shrivastava, Secretary
Environmental Planning Commission

AS/LM/9/CDD
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